REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the final Examiner's Action electronically delivered April 17, 2009, and respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

The Applicants originally submitted Claims 1-20 in the application. In the present response, the Applicants have amended Claims 1, 8, and 15. Support for the amendment can be found, *e.g.*, in paragraph [0028] of the original specification. No other claims have been canceled or added. Accordingly, Claims 1-20 are currently pending in the application.

I. Formal Matters and Objections

Previously, the Examiner objected to the drawings as containing informalities; namely, paragraph [0024] points to Figure 1 as having alternative routes being shown in broken line, but Figure 1 does not contain such description. The Applicants have amended the specification, as noted above, to correct this inadvertent error and appreciate the Examiner's diligence in finding and bringing this error to his attention.

II. Rejection of Claims 1, 8 and 15 under 35 U.S.C. §112

Previously, the Examiner rejected Claims 1, 8 and 15 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. More specifically, the Examiner asserts that paragraph [0028] "is disclosing that the External Border Gateway Protocol (EBGP) process does not

even occur because the optimal alternative route is identified based on indications which passed through the loopback addresses associated with nodes." (*See* the Final Rejection of April 17, page 3.)

The Applicants respectfully disagree. As cited by the Examiner, paragraph [0028] of the original specification recites that "...route disqualification logic 114 disqualifies all alternative routes to the domain 150. This effectively ends any EBGP process of finding an optimal alternative route to the domain 150 before it even begins." (Emphasis added.) Paragraph [0028] teaches that the EBGP process of finding optimal alternative routes to the disqualified domain does not occur, but this does not mean that an EBGP process of finding optimal alternative routes to the non-disqualified domains does not occur. In an effort to more clearly point this out, the Applicants have amended independent Claims 1, 8, and 15 to recite that the disqualified domain is removed from consideration prior to an alternative route convergence process. As such, independent Claims 1, 8, and 15 comply with the requirements of 35 U.S.C. §112, second paragraph. Accordingly, the Applicants respectfully requests the Examiner withdraw the §112, second paragraph rejection of Claims 1, 8 and 15 and allow issuance thereof.

III. Rejection of Claims 1-20 under 35 U.S.C. §103

Previously, the Examiner rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,393,486 to Pelavin, *et al.* (hereinafter "Pelavin") and U.S. Patent Application Publication No. 2002/0021675 to Feldmann (hereinafter "Feldmann"). The Applicants respectfully disagree since the cited portions of the cited combination of Pelavin an Feldmann do not

teach or suggest removing a domain from consideration by an alternative route convergence process prior to the process as recited in presently amended independent Claims 1, 8, and 15.

Citing lines 45-67 of column 39 and lines 1-29 of column 40, the Examiner asserts that Pelavin teaches "...an update of an active route to a domain in said network that causes said active route to become a withdrawn route as a result of said active route being lost." Furthermore, citing paragraph 36, the Examiner asserts that Feldmann teaches "...route disqualification logic...that disqualifies alternative routes to said domain based on said indication prior to said route optimization." (*See* Final Rejection of April 17, 2009, page 4.) Lines 16-29 of column 40, a portion of the cited part of Pelavin, teaches:

> "The routing tables being used and computed by the invention refer to "steady-state" routing tables. The steady-state routing tables are the routing tables that are produced once the routing process settles; in a live network, the routing tables can converge to a new state when the network devices or router ports change status (i.e., whether they are operational or failed); routing tables can also converge to a new state when the configuration of the routers or other network devices are changed, new devices are added, or existing ones removed. By saying that the invention is computing steady-state routing tables, we mean to imply that the invention is not computing information about the convergence process..." (Emphasis added.)

Clearly, since this cited portion of Pelavin teaches that the routing tables used are "steady-state" routing tables, a convergence process to find alternative route convergence or route optimization is already complete prior to any further analysis comprehending network element/domain/routes failures.

Paragraph 36 of Feldmann recites:

> "...Each BGP advertisement concerns a particular prefix and includes a list of ASes along the path, as well as other attributes. BGP advertisements are exchanged over BGP sessions between pairs of routers. The two ASes would typically establish a BGP session between the incident routers; these routers are BGP peers. The ISP employs local policies to select a route for each destination prefix, and to decide

> whether to advertise this route to neighboring ASes. BGP policies can filter unwanted advertisements and assign local preferences, based on a variety of attributes. Then, the router executes the BGP decision process to select the best route to each destination prefix…"

While this portion of Feldman may teach that local policies are employed to select routes and BGP policies can filter unwanted advertisements and assign local preferences based on a variety of attributes, the Applicants fail to find any teaching or suggestion that disqualified routes to a domain are one of the attributes nor that disqualified routes are removed as a result of these local policies prior to the router executing the BGP process to select the best route.

As such, neither the cited portions of Pelavin nor Feldmann teach or suggest removing a domain with a disqualified route prior to route optimization or alternative route convergence. Therefore the cited portions of the cited combination of Pelavin and Feldmann, as applied by the Examiner, do not provide a *prima facie* case of obviousness for presently amended independent Claims 1, 8, and 15 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 1-20 and allow issuance thereof.

IV. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20.

The Applicants request the Examiner to telephone the undersigned agent of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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